

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

GAYLENE FUKAGAWA, *et al.*,

Defendants.

Case No. 3:23-CV-00254-RCJ-CLB

**ORDER GRANTING MOTION TO  
IDENTIFY TRUE NAME AND DENYING  
MOTION TO SUPPLEMENT**

[ECF Nos. 17, 18]

Before the Court are two motions filed by Plaintiff James Edward Scott: (1) a motion to identify the true name of Defendant Mallory; and (2) a motion to supplement defendant originally identified as "Sharon" to the true and correct name "Marsha". (ECF Nos. 17, 18, respectively.)

First, with respect to the motion to identify the true name of Defendant Mallory, Plaintiff has further identified Defendant "Mallory" as "Mallory Etchison". (ECF No. 17.) Plaintiff asks that the Office of the Attorney General ("OAG") provide notice as to whether or not it will accept service on Defendant Mallory Etchison's behalf. (*Id.*) Good cause appearing, the motion is granted.

Accordingly, **IT IS ORDERED** that within 21 days of the date of entry of this order, the OAG shall file notice advising the Court and Plaintiff of whether it can or cannot accept service on behalf of Defendant **Mallory Etchison**. If the OAG cannot accept service on behalf of **Mallory Etchison**, the Office shall file, under seal, but shall not serve on Plaintiff, the last known address of **Mallory Etchison**, if it has such information. If the last known address of **Mallory Etchison** is a post office box, the Attorney General's Office shall attempt to obtain and provide the last known physical address. If service cannot be accepted for **Mallory Etchison**, Plaintiff shall file a motion requesting issuance of a summons, specifying a full name and address for **Mallory Etchison**. If the OAG has not provided last-known-address information, Plaintiff shall provide the full name and address for **Mallory Etchison**.

1 As to Plaintiff's motion to supplement defendant originally identified as "Sharon" to  
2 the true and correct name "Marsha", (ECF No. 18), this motion is denied. Plaintiff's motion  
3 is essential asking that the Court order the OAG to take additional steps to identify an  
4 unserved Doe defendant. The Court has already denied a similar motion, and instructed  
5 that Plaintiff must further identify the defendant, it is not the OAG's responsibility. Again,  
6 in this Court's order regarding service, (ECF No. 9), the Court instructed Plaintiff that if  
7 service cannot be accepted for any of the named defendants, Plaintiff must file a motion  
8 identifying the unserved defendants, including specifying a full name and address for the  
9 defendant. (*Id.* at 2.) Thus, to the extent Plaintiff requests that Defendants identify this  
10 Doe defendant, this is an improper request. If Plaintiff can identify the true identity of  
11 "Marsha Doe Pill Call Nurse" during the course of discovery, he may file a motion for  
12 service with the full name of the defendant. Plaintiff is reminded that he must perfect  
13 service by June 2, 2024, pursuant to Fed. R. Civ. P. 4(m).

14 Consistent with the above, **IT IS ORDERED** that Plaintiff's motion to identify true  
15 name, (ECF No. 17), is **GRANTED**.

16 **IT IS FURTHER ORDERED** that Plaintiff's motion to supplement, (ECF No. 18), is  
17 **DENIED**.

18 **DATED:** May 3, 2024

19  
20   
21 **UNITED STATES MAGISTRATE JUDGE**